



University of Chester



**This work has been submitted to ChesterRep – the University of Chester's
online research repository**

<http://chesterrep.openrepository.com>

Author(s): Julie–Anne Regan

Title: Risks to informed consent in pedagogic research

Date: 2013

Originally published in: Journal of Perspectives in Applied Academic Practice

Example citation: Regan, J-A. (2013). Risks to informed consent in pedagogic research. *Journal of Perspectives in Applied Academic Practice*, 1(1). Available at : <http://jpaap.napier.ac.uk/index.php/JPAAP/index>

Version of item: Author's post-print

Available at: <http://hdl.handle.net/10034/326117>

Risks to Informed Consent in Pedagogic Research

Dr Julie-Anne Regan,

University of Chester
Parkgate Road
Chester
Cheshire
CH1 4BJ

01244 511947

j.regan@chester.ac.uk

Abstract

Stierer and Antoniou (2004) have described Pedagogic Research (PR) as primarily teachers undertaking research into aspects of their own teaching and learning. Consequently, those undertaking PR often occupy dual roles of teacher and researcher. Likewise the subjects being studied are often the researcher's own students and thus also occupying dual roles of student and participant. The purpose of this article is to highlight the potential risks to valid, informed consent inherent in the nature of pedagogic research itself; due to the dual roles mentioned above and the blurred boundaries between practice development and PR. Whilst inaccurate or incomplete information for decision making is an obvious risk to informed consent, the risks to voluntary participation can be more subtle. Reference is made to a documentary analysis of feedback provided to applicants by a research ethics committee reviewing pedagogic research. Whilst this is not a research report of that study, it provides empirical evidence to support the arguments made in this article. The article concludes that the greatest risk to valid informed consent is the lack of awareness among practitioner-researchers of the risks to voluntary participation this type of research holds. The author highlights the role for academic developers in highlighting these issues on professional development programmes and to the wider academic community. It is also recommended that a clear institutional position on when teacher/researchers need to apply for ethical approval could also be useful, particularly if flexibility is built in to allow for informal discussions with the Chair of the REC.

Keywords

Informed consent; pedagogic research, dual roles; voluntary participation

Introduction

Whilst acknowledging the term is contentious, Stierer and Antoniou (2004) have described Pedagogic Research (PR) as “the study of processes and relationships comprising pedagogy” (p278) but acknowledge the focus is mainly teachers undertaking research into aspects of their own teaching and learning. The term ‘teacher’ is used here as a generic term for individuals teaching and/or supporting learning in a higher education context. MacFarlane (2011, p127) described PR researchers as doing “research about their own teaching, that of others or focussed on the way students learn”. Consequently, those undertaking PR often occupy dual roles of teacher and researcher. Likewise the subjects being studied are often the researcher’s own students and thus also occupying dual roles of student and participant. The term ‘student’ is used here as a generic term for learners on higher education programmes or courses. The purpose of this article is to highlight the potential risks to valid, informed consent inherent in the nature of pedagogic research itself; due to the dual roles mentioned above and the blurred boundaries between practice development and PR. Although researchers undertaking PR are not always performing dual roles, this paper will focus on those who are.

Background

I and two other colleagues recently undertook a documentary analysis of feedback to applicants from a Research Ethics Committee (REC) in a small university in the north west of England (Regan, Baldwin and Peters 2012). This REC, established specifically to review proposals for PR, is open to all staff of the university. The REC also receives applications from external researchers who wish to access students, or staff, in the university; for research purposes. The study analysed feedback given to twenty two researchers between September 2007 and September 2010, comprising 182 pages (A4) of documentary data. From this analysis it was concluded that the ethical principles underpinning the process of obtaining valid informed consent were not fully appreciated by many of the researchers undertaking PR projects. Informed consent appeared to be viewed as the act of obtaining written or verbal consent to participate, with much less awareness of the ethical considerations preceding that point. Full details of the methodology adopted in the original study are described elsewhere (Regan et al 2012), but the aim of this article is to expand on the discussion of those results related to informed consent.

Anecdotal evidence would suggest that there may be practitioners undertaking PR without applying for, or receiving, ethical approval to do so. Perhaps this is due to a lack of awareness or, more likely, because it is often difficult to decide where practice development ends and PR begins. Practitioners undertaking a systematic evaluation of a new pedagogic initiative do not always view themselves as undertaking research. Indeed, many discipline researchers,

especially those with a keen interest in the Research Excellence Framework (REF), would agree with them. However, discussions at forums for academic development professionals indicate that many institutions are now making positive moves to rectify this situation. A stance, reported by academic developers from many institutions, is that if data are being collected from students (or staff), over and above that which would normally be obtained as part of 'normal' learning, teaching, assessment or quality monitoring purposes, then ethical approval must be sought. This article is set within the context of research requiring ethical approval, for which researchers will need to show an awareness of the risks to valid informed consent and articulate appropriate strategies for managing those risks.

Informed consent

Pedroni and Pimple (2001) describe the three necessary conditions for valid, informed consent as: mental capacity to decide whether or not to participate; sufficient information to make that decision; and an absence of undue influence. In the case of adults, which covers the vast majority of higher education pedagogic research, mental capacity is assumed unless the researcher can establish otherwise (Department for Constitutional Affairs 2007). This article will therefore focus on the provision of information for decision making and voluntary participation in PR.

Whilst it is safe to assume students of higher education have the capacity to make an informed decision, it is the researcher's responsibility to ensure that it is indeed an *informed* decision. The researcher must provide comprehensive information about the purpose of the research, what participation in the proposed research will involve, and any risks associated with participation. That information needs to be clearly articulated in appropriate language and in a suitable format accessible to all potential participants. Finally, it is incumbent on the researcher to ensure that the voluntariness of participation is not jeopardised by factors which unduly influence students to agree to participate. In addition, researchers need to ensure that undue barriers to participation do not deter those who would otherwise volunteer. Although the study cited above indicated the majority of the REC's feedback related to inaccurate or incomplete information for decision making, the accumulative effect of many other themes identified indicated significant risk of influencing the decision whether, or not, to participate. It is important to say that there was no evidence to suggest a deliberate attempt to influence the decision of students to participate. However, it was apparent that some researchers were unaware that the nature of PR, and the dual roles occupied by them and their students, could inadvertently give students the impression that participation was expected, rather than voluntary.

Inaccurate and/or incomplete information

The most common theme, identified in the documentary analysis, was that of 'insufficient/inaccurate information for participant decision making' (Regan et al 2012). Only five, of the twenty two applicants to the REC, did *not* receive feedback relating to this theme. In total there were 77 separate comments distributed between the seventeen applicants who received feedback under this theme, which accounts for 27% of the total number (n=289) of feedback comments. The number of comments for each applicant ranged between one and nine. These comments were primarily directive and revision of the Participant Information Sheet (PIS) was the most frequently imposed condition of approval. Although it is difficult to account for this from the data examined, I would suggest that some possible reasons for this finding are as follows. Some applicants were relatively beginner/novice researchers and lack of experience may account for some omissions. For more experienced researchers, an antipathy towards the process of applying for ethical approval may have influenced their approach to providing all the information required by the committee. Studies by Tilley (2008) and Doyle, Mullins and Cunningham (2010) both concluded that such committees are usually perceived, by researchers, as overly bureaucratic and burdensome. Because the process for ethical approval of PR had not been formalised prior to 2007, many of the 'experienced' researchers were relatively inexperienced with regards to research ethics.

Our guidance to applicants asks them to review the PIS through the eyes of a student, even to enlist the help of students to write it. This can be a very useful learning experience for students studying research methods modules for example. Student representatives on the REC always take a keen interest in the PIS and are often the members to identify gaps in information which they, as potential participants, would want to know. A template is provided for applicants but they can also design their own, providing they include the following aspects from the University's Research Governance Handbook.

Participant Information sheets communicating the details of the research must be given to each potential participant. The information sheet is crucial. It must:

- Be written in plain language, avoiding jargon and technical concepts;
- Tell volunteers who the researcher is, why the research is being done, and what the objectives are;
- Be clear about the procedures the volunteer will undergo, or the nature of the questions to be asked;
- Be clear about the risks and what measures are being taken to minimise these; and provide advice and back-up should the volunteer feel disturbed or upset;
- State the remuneration or compensation to be made, if any;
- State categorically that the volunteer may withdraw at any time without having to give a reason and without detriment to future services (learning experience in this case);
- Explain that if a participant is harmed by taking part in the research, there are no special compensation arrangements.

Participants should be given time and the opportunity to discuss the information and to ask questions of the researcher(s).

Box 1 Participant Information Sheets

Blurred boundaries

The nature of pedagogic research itself can present a risk to voluntary participation because the distinction between practice development and the research itself is not always clear. This lack of clarity was clearly evident in the applications received by the REC. If the applicants themselves have not been able to articulate these boundaries clearly in their application, there is a risk that they may not make the distinction clear to potential recruits. This was evidenced by the lack of clarity within the PIS about what was part of a taught module and what additional/particular aspect was the research, and therefore voluntary. The way in which PR is often conducted can further blur the boundaries, particularly for students. Where the module tutor issues the invite to participate and proposes to collect data during the module teaching time, potential participants may feel that it is part of the module and that participation is an expectation, or even part of the learning experience. Although this was exactly how recruitment was proposed in many of the applications in this study, the applicants did not identify any potential risks connected with this, or offer any actions to minimise such risk. Based on this sample, it can be argued that applicants do not always make it clear that they appreciate this potential risk to voluntary participation, which is inherent in pedagogic research. To secure valid, informed consent the researchers themselves will have to be clear about where the boundaries lie and, not only articulate those boundaries to participants but, take measures to minimise the risk of confusion or misunderstanding.

Whilst it may be argued that it is more convenient for students to participate during contact time, and it certainly improves participation rates, this must be balanced against the risks of a perceived expectation to participate. It is certainly more difficult for student participants to 'opt-out' when this necessitates removing themselves from a timetabled session. Students can also reasonably ask (as do RECs), what teaching and learning is being omitted in order to make time for data collection. It is not being suggested here that data can never be collected in teaching time, but RECs will need to see that the researcher recognises the risks this poses to voluntary participation and offers a balance with the benefits. One

of the sections on the REC application invites researchers to identify what 'inconvenience/disadvantage' participants may experience. In over half of the applications, researchers did not identify any inconvenience or disadvantage. Whether data are being collected within teaching time or in students' own time, this is time that they could be doing something else. Losing that time could be inconvenient or disadvantage other aspects of their life; such as studying, eating or socialising. Whilst not recognising this may be due to inexperience with research ethics, it can give the impression that researchers do not recognise or appreciate that their students are not obliged to participate. A lack of recognition of students voluntarily giving up time to participate could give the impression their effort is not valued by the researcher.

Dual Roles

Ethical concerns about researching one's own students have been expressed in recent literature. Brown (2010) discussed an ethics committee in which some of the members believed that PR was fundamentally unethical because using one's own students in research is highly likely to involve some form of coercion. Coercion is an emotive word and whenever feedback from the LTI-REC indicated that the actions of researchers could be perceived as 'coercive', it elicited a very strong reaction from them. However, there were examples of methods of recruitment that showed little understanding of how students may be more influenced to participate with the researchers' chosen method of recruitment over another. For example, it was suggested that an open invitation to participate in focus group interviews, directed to the whole group, with students being asked to email the researcher if they wished to participate, might be viewed as less coercive than the researcher/teacher asking students individually if they wished to take part. Of course any such invitation would be accompanied by a PIS containing all the necessary information about the research. This was viewed with much hostility by the researcher who assured the committee that students were not being coerced. The researcher found it very difficult to acknowledge that even though there were good intentions for personally inviting every student, so they that would all know how much their participation was valued; students might find it harder to decline when personally asked by the teacher who would be giving them their final grade for the module.

Shi (2006) also highlights the potential power differential between teacher and student which may, inadvertently, transfer to the researcher/participant relationship. Regardless of how effective the learning and teaching relationship is between students and their teachers, the power balance can not be regarded as equal. In research the power balance between researcher and participant is very different. Unless there is a direct benefit to participants, the researcher usually needs the co-operation of the participant more than the other way around. Because of the blurred boundaries discussed above, and the dual roles, this shift in the balance may not be discerned by either party. This was evident in the tone

of some of the PISs reviewed by the REC. Feedback to some of the applicants reminded them that the PIS was an invitation rather than merely informing the participants about the research. Whilst the information on the PIS may be correct, the tone can indicate an expectation that students *will* participate; rather than an invitation of voluntary participation whereby students can accept or, indeed, decline

Regardless of these difficulties, the view of the REC cited by Brown (2010) seems deeply flawed. A practitioner researching their own practice is by no means confined to PR and there are many parallels, for example, in the healthcare sector. Whilst it is true that the risk of potential participants perceiving an obligation to participate in order to 'help' or 'curry favour' with a practitioner, may never be completely eliminated, this should not preclude this type of research completely. Nevertheless, researchers occupying dual roles must demonstrate a heightened awareness of the influence their position may have on voluntary participation. More importantly, they must take steps to minimise this risk as much as is reasonably possible.

Other factors contributing to an increased risk to informed consent

As noted above, the suggestion of coercion to participate through insufficient or inaccurate information conjures up serious violations of research ethics and applicants, undoubtedly, would be most offended by such a suggestion. However, manipulation of information for a favourable response could be viewed as such. Faden and Beauchamp (1986) discuss the notion of a continuum between persuasion and coercion, upon which manipulation of information can lie. One example of this is where the researchers wished to assess participants' skill level pre and post a particular intervention, yet the word 'assess' was not used in the PIS, although this was stipulated in the application. Although the applicants did not openly say to the REC that they had deliberately not used the term "assess", it is reasonable to see how it might discourage participation. Faden and Beauchamp (1986) argued that manipulation of information towards the 'persuasion' end of the continuum can sometimes be acceptable in research, depending on the potential harms and benefits of participating. In this case, the result of the assessment would have had no impact whatsoever on the students' degree results and no individual 'scores' would ever be published. However, researchers need to make the argument for such actions in their application, but first they must have an awareness of the implications of manipulating the information given on informed consent.

For some applicants the ethical difference between an incentive to participate, and reasonable compensation for doing so, was not apparent. A small proportion of the applicants talked openly of incentives to encourage students to participate. The proportion doing so correlated with those projects which had significant funding of £10,000 or above; funded either internally, or external to the

institution. The Research Governance Handbook for the university quite clearly states that incentives and rewards are not deemed ethical, whereas reasonable compensation is. The fact that the applicants openly stated an intention to incentivise indicates lack of understanding of a link between incentives and informed consent. The fact that students may be unduly influenced to participate, for significant gain, was not identified as a risk to informed consent on any of the applications proposing incentives. When feedback was given, applicants would often cite examples of market research (such as the National Student Survey) where prize draws, with significant prizes, are used to encourage responses.

There were also examples of when researchers were offering to pay participants for their time, but the proposed remuneration far exceeded the minimum wage per hour of time. Of course these strategies arise from a prior knowledge that recruitment of student participants can be difficult, particularly if a sustained effort is needed over a period of time. Nevertheless, such strategies may unduly influence the decision to participate and are therefore a risk to valid, informed consent. If recruitment is likely to be so difficult that incentives are necessary, the researcher was advised to review their proposed methodology and explore whether a less onerous approach could be used; in order to answer the research questions being posed.

Reasonable compensation for participants' time, inconvenience and effort, on the other hand, is unlikely to over influence the decision to participate. Examples may be that when students are being asked to participate in interviews held during their 'lunch break', that food and refreshment are provided. Less often, if participation requires considerable time, payment of minimum wage may be deemed a reasonable compensation. Re-imbursement of travel and other expenses incurred, in order to participate, is a reasonable expectation and unlikely to influence voluntary participation.

In many cases of PR, researchers may be working alone to investigate their practice, which may also pose a threat to informed consent. This can limit the researcher's ability to establish clear boundaries between the research project/study and the learning experience for the student participants. It also means that benefits of critical collaboration are not afforded to the researcher. An institutional mechanism for facilitating collaboration for researchers with common interests could prevent duplication, and provide possible dilution of the dual role issue. Likewise, promoting a pedagogic research culture which facilitates the use of supportive 'critical friends' could afford lone researchers the opportunity of an alternative perspective. Institutional mechanisms for supporting lone researchers, investigating their own teaching practice, may minimise the risks to informed consent posed by a lone researcher occupying dual roles. Providing such support would also demonstrate that the institution valued this type of research.

Some applicants failed to recognise that 'vulnerable groups' exist within the student population. This issue relates more to the risk of influencing the decision *not* to participate, which is different to the issues discussed so far. Making provision for vulnerable groups to participate constituted 6% (n=16) of the feedback comments in our sample. Perhaps more surprising than the actual frequency, is the nature of the concern. One example was that of a PIS which stated that the questionnaire was only available in hard copy. In response to a query by the REC as to whether it was possible to access alternative formats, the researcher responded it could be provided on different colour paper to those who had 'specific learning plans' and an electronic version could be available on request. Apart from the obvious non-inclusive approach in this example, there is no recognition that having to ask for 'special alternatives' is likely to unduly influence such students to decline participation.

As a REC, we strive to offer a collegial, but critical, approach to ethical review. Applicants are now invited to attend the meeting, which can resolve many of the issues outlined above without the need for ongoing written communication, and avoid unwelcome delays. As can be seen by the sheer quantity of documentary data generated for 22 applicants, feedback from the REC is extensive. It is also developmental. The aim is to provide ethical justification for our directive comments in order develop applicants' ethical awareness. For some researchers the process has been beneficial, as evidenced in subsequent applications, but in some cases we see applicants "cutting and pasting" from previous applications; continuing to ignore the specific risks to informed consent posed by PR. Before any of these strategies can reduce the risks identified, practitioners need to be clear about when practice development could be viewed as PR and when ethical approval is needed. Because they are often working alone the slide between the two can often go unnoticed. Even if the definition, offered in the background to this article, is rather mechanistic; it is clear. Most RECs offer an opportunity for an informal meeting with the Chair to discuss whether ethical approval is needed. This can be helpful for lone researchers to discuss their proposal with another colleague.

Conclusion

It can be concluded from this article that there are specific characteristics of PR, in which teachers and students are occupying dual roles, which pose significant risks to obtaining valid informed consent. The issue of inaccurate or incomplete information, for effective decision making, relates to the second necessary condition for informed consent and is perhaps the most obvious risk. However, there are many other, perhaps less obvious, risks associated with the third condition; that of avoiding undue influence on the decision to participate. These include the blurred boundaries between practice development and PR, the dual role issue and the fact that many PR projects lack critical oversight as researchers tend to work alone. The greatest risk to valid informed consent,

however, is the lack of awareness among practitioner-researchers of the risks to voluntary participation this type of research holds.

Recommendations

Academic Developers have an important role in ensuring that these issues are highlighted in their programmes, particularly as many contain assessments based on small-scale PR projects. In this institution participants on such programmes plan their small scale studies as a group with an experienced facilitator. There are then various points at which participants feed back to their group on progress. If any of the projects do require ethical approval, the opportunity for dialogue with the committee is informative. We also strongly encourage participants to involve students in the design and piloting of data collection tools and the PIS. Sullivan and Lashley (2009) describe a 'classroom activity' in which students are provided with a PIS and consent form to read and sign. They then test them (without warning) on the information provided. Although the students performed badly in the surprise test, the experience had a lasting impact on their behaviour as "active engaged participants" (Sullivan and Lashley 2009, p24) and later in designing their own research. The notion of extending the "pedagogy of students as researchers to students as participants" (Sullivan and Lashley 2009, p27) is very persuasive. Initial endeavours, using an adapted version of this activity in a staff workshop, certainly made the point very powerfully but it remains to be seen whether this will have an impact on future practice.

A clear institutional position on when teacher/researchers need to apply for ethical approval could also be useful, particularly if flexibility is built in to allow for informal discussions with the Chair of the REC. With internally funded pedagogic projects, it is recommended that new researchers attend a workshop prior to preparation of their ethical application. However, there is always a delicate balance to be struck between providing support and seeming to confirm the idea that ethical approval is a hurdle to overcome, rather than an opportunity to enhance the study. Because the REC described above has a low number of applications per meeting, the discursive and developmental approach taken is possible. Also, because the REC looks specifically at PR there is a good deal of knowledge and experience, amongst committee members, about the typical methodologies utilised in this type of research, and the inherent risks. This is not necessarily the case with discipline-specific RECs (particularly those in the sciences), who have a high volume of applications and often adopt a compliance approach to ethical approval rather than a discursive one. If it is not possible to have a specific REC for PR then academic developers may offer their services as an ad hoc member to any REC if an application for PR is being considered.

Raising awareness of these risks needs to be institutional-wide and not confined to teacher development programmes or funded projects. Although the annual staff conference has been useful for this purpose, working with discipline specific

teams at a local level has had more impact. If an institution has a strong learning and teaching network, with representatives in each department, raising awareness at the local level via this network is recommended. The local representative will have more opportunities to hear of practitioners planning PR projects and can utilise the opportunity for discussions in a timely manner.

Acknowledgments

My thanks to Moyra Baldwin for her very helpful comments and editing on the first draft of this paper.

Author Bio

Julie-Anne is an Academic Development Advisor and the Chair of a Research Ethics Committee.

Julie-Anne's recent research activity has focussed on the following areas: the moral role responsibilities of students and lecturers, ethical risks of pedagogic research, teaching philosophies and the contribution of 'support staff' to the student experience.

References

Brown, P. (2010). Teacher research and university Institutional Review Boards. *Journal of Early Childhood Teacher Education* 31, 276-283

Department for Constitutional Affairs. (2007) *Mental Capacity Act 2005 Code of Practice*. London: The Stationary Office.

Doyle, E., Mullins, M., & Cunningham, M. (2010). Research ethics in a Business School context: The establishment of a review committee and the primary issues of concern. *Journal of Academic Ethics*, 8, 43-66. doi: 10.1007/s10805-010-9108-x

Faden, R. & Beauchamp, T. (1986). *A History and Theory of Informed Consent*. New York: Oxford University Press

MacFarlane, B. (2011). Prizes, pedagogic research and teaching professors: lowering the status of teaching and learning through bifurcation. *Teaching in Higher Education*, 16 (1), 127-130

Pedroni, J., & Pimple, K. (2001). *A Brief Introduction to Informed Consent in Research with Human Subjects*. Poynter Center for the study of ethics, Indiana University USA. <http://poynter.indiana.edu/sas/res/ic.pdf>

Regan, J., Baldwin, M., & Peters, L (2012). Ethical issues in pedagogic research. *Journal of Pedagogic Development*, 2 (3), 44-54

Shi, L. (2006). Students as research participants or as learners? *Journal of Academic Ethics*, 4, 205-220

Stierer, B & Antoniou, M. (2004). Are there distinctive methodologies for pedagogic research in higher education? *Teaching in Higher Education*, 9 (3), 275-285

Tilley, S. A. (2008). A troubled dance: Doing the work of research ethics review. *Journal of Academic Ethics*, 6, 91-104. doi: 10.1007/s10805-008-9058-8